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February 14, 2005

Mr. Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
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Columbia, South Carolina 29211

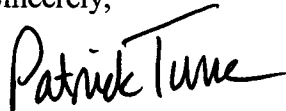
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SO. PUBLIC SERVICE
COMMISSION

Re: Re: Petition to Establish Generic Docket to Consider Amendments to
Interconnection Agreements Resulting From Changes of Law
Docket No. 2004-316-C

Dear Mr. Terreni:

Enclosed for filing are the original and ten copies of a Notice of Submission in the above-referenced matter. By copy of this letter, BellSouth is serving this Notice on all parties of record to this docket.

Sincerely,



Patrick W. Turner

PWT/nml
Enclosure
cc: All Parties of Record

PC Docs #572182

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

In Re:

Petition to Establish Generic Docket to
Consider Amendments to Interconnection
Agreements Resulting From Changes of Law


Docket No. 2004-316-C

NOTICE OF SUBMISSION

BellSouth Telecommunications, Inc. ("BellSouth") respectfully notifies the Public Service Commission of South Carolina and the parties to this docket of the attached letter submitted to the Chief Clerk of the Commission.

Respectfully submitted this the 14th day of February, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



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February 14, 2005

Mr. Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: FCC's *Triennial Review Remand Order*

Dear Mr. Terreni:

On February 4, 2005, the Federal Communications Commission ("FCC") released its permanent unbundling rules in its *Triennial Review Remand Order* ("TRRO").¹ As discussed in the attached Carrier Notification Letter that BellSouth posted on its website on the afternoon of February 11, 2005, the FCC identified a number of former unbundled network elements ("UNEs") that will no longer be available as of March 11, 2005, except as provided in the *TRRO*. The FCC adopted transition plans to move the embedded base of former UNEs to alternate serving arrangements and provided that the transition period for the former UNEs (loops, transport, and switching) would commence on March 11, 2005. The FCC made clear its intent for carriers to include the transition plans regarding the embedded base in existing interconnection agreements through appropriate change of law provisions and provided for a true-up of rates back to the effective date of the *TRRO* to reflect price increases that were approved by the FCC.

With regard to each of the former UNEs, however, the FCC provided that no "new adds" would be allowed as of March 11, 2005. *See TRRO* at ¶227. The *TRRO*'s provisions as to "new adds" constitute a generic self-effectuating change for all interconnection agreements, and they are effective March 11, 2005, without the necessity

¹ In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, WC Docket No. 04-313 and CC Docket No. 01-338, *Order on Remand*, FCC 04-290 (released February 4, 2005) ("TRRO") (available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-290A1.pdf).

Mr. Charles Terreni
February 14, 2005
Page Two

of formal amendments to any existing interconnection agreements. See Attached Letter at p.2.

In accordance with the terms of the *TRRO*, and as set out in more detail in the attached letter, BellSouth has informed its carrier customers that, effective March 11, 2005, BellSouth will no longer accept orders that treat the affected items as UNEs. BellSouth has further informed those customers that, as of March 11, 2005, it is no longer required to provide high capacity UNE loops in certain central offices, to provide UNE transport between certain central offices, or to provide new UNE dark fiber loops or UNE entrance facilities.

At the same time we are delivering this letter, we are also filing a copy of this letter and its attachment in Docket No. 2004-316-C and serving a copy of that filing on all parties to that docket.

Sincerely,


Cindy Cox

572068

BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

**Carrier Notification
SN91085039**

Date: February 11, 2005

To: Competitive Local Exchange Carriers (CLEC)

Subject: CLECs – (Product/Service) – Triennial Review Remand Order (TRRO) - Unbundling Rules

On February 4, 2005, the Federal Communications Commission (FCC) released its permanent unbundling rules in the Triennial Review Remand Order (TRRO).

The TRRO has identified a number of former unbundled network elements (“UNEs”) that will no longer be available as of March 11, 2005, except as provided in the TRRO. These former UNEs include all switching¹, as well as certain high capacity loops in specified central offices², and dedicated transport between a number of central offices having certain characteristics,³ as well as dark fiber⁴ and entrance facilities⁵.

The FCC, recognizing that it removed significant unbundling obligations formerly placed on incumbent local exchange carriers (ILEC), adopted transition plans to move the embedded base of these former UNEs to alternative serving arrangements.⁶ The FCC provided that the transition period for each of these former UNEs (loops, transport and switching), would commence on March 11, 2005.⁷ The FCC made provisions to include these transition plans in existing interconnection agreements through the appropriate change of law provisions. It also provided that rates for these former UNEs during the transition period would be trued up back to the effective date of the TRRO to reflect the increases in the prices of those former UNEs that were approved by the FCC in the TRRO.

The FCC took a different direction with regard to the issue of “new adds” involving these former UNEs. With regard to each of the former UNEs the FCC identified, the FCC provided that no “new adds” would be allowed as of March 11, 2005, the effective date of the TRRO. For instance, with regard to switching, the FCC said, “This transition period shall apply only to the embedded customer base, and does not permit competitive LECs to add new customers using unbundled access to local circuit switching.”⁸ The FCC also said “This transition period shall apply only to the embedded customer base, and does not permit competitive LECs to add new UNE-P arrangements using unbundled access to local circuit switching pursuant to section 251 (c)(3) except as otherwise specified in this Order.” (footnote omitted)⁹

¹ TRRO, ¶199

² TRRO, ¶¶174 (DS3 loops), 178 (DS1 loops)

³ TRRO, ¶¶126 (DS1 transport), 129 (DS3 transport),

⁴ TRRO, ¶¶133 (dark fiber transport), 182 (dark fiber loops)

⁵ TRRO, ¶141

⁶ TRRO, ¶¶142 (transport), 195 (loops), 226 (switching)

⁷ TRRO, ¶¶143 (transport), 196 (loops) 227 (switching)

⁸ TRRO, ¶199

⁹ TRRO, ¶227

The FCC clearly intended the provisions of the TRRO related to "new adds" to be self-effectuating. First, the FCC specifically stated that "Given the need for prompt action, the requirements set forth herein shall take effect on March 11, 2005.. ." ¹⁰ Further, the FCC specifically stated that its order would not "...supersede any alternative arrangements that carriers voluntarily have negotiated on a commercial basis...", ¹¹ but made no such finding regarding existing interconnection agreements. Consequently, in order to have any meaning, the TRRO's provisions regarding "new adds" must be effective March 11, 2005, without the necessity of formal amendment to any existing interconnection agreements. Therefore, while BellSouth will not breach its interconnection agreements, nor act unilaterally to modify its agreements, the FCC's actions clearly constitute a generic self-effectuating change for all interconnection agreements with regard to "new adds" for these former UNEs.

Thus, pursuant to the express terms of the TRRO, effective March 11, 2005, for "new adds," BellSouth is no longer required to provide unbundled local switching at Total Element Long Run Incremental Cost ("TELRIC") rates or unbundled network platform ("UNE-P") and as of that date, BellSouth will no longer accept orders that treat those items as UNEs.

Further, effective March 11, 2005, BellSouth is no longer required to provide high capacity UNE loops in certain central offices or to provide UNE transport between certain central offices. As of that date, BellSouth will no longer accept orders that treat these items as UNEs, except where such orders are certified pursuant to paragraph 234 of the TRRO. In addition, as of March 11, 2005 BellSouth is no longer required to provide new UNE dark fiber loops or UNE entrance facilities under any circumstances and we will not accept orders for these former UNEs.

Prior to the effective date of the TRRO, BellSouth will provide comprehensive information to CLECs regarding those central offices where UNE DS1 and DS3 loops are no longer available, and the routes between central offices where UNE DS1, DS3 and dark fiber transport are no longer available.

CLECs will continue to have several options involving switching, loops and transport available to serve their new customers. To this end, with regard to the combinations of switching and loops that constituted UNE-P, BellSouth is offering CLECs these options:

- Short Term (6 month) Commercial Agreement to provide a bridge between the effective date of the Order and the negotiation of a longer term commercial agreement,
- Long Term Commercial Agreement (3 years, effective January 1, 2005, with transitional discounts available under those agreements executed by March 10, 2005)

In addition, most CLECs, if not all, already have the option of ordering these former UNEs, and particularly the combination of loops and switching, as resale, pursuant to existing interconnection agreements.

To be clear, in the event one of the above options is not selected and a CLEC submits a request for new UNE-P on March 11, 2005 or after, the order will be returned to the CLEC for clarification and resubmission under one of the available options set forth above. CLECs that have already signed a Commercial Agreement may continue to request new service pursuant to their Commercial Agreement.

With regard to the former high capacity loop and transport UNEs, including dark fiber and entrance facilities, that BellSouth is no longer obligated to offer, BellSouth has two options for CLECs to consider. Specifically, CLECs may either elect to order resale of BellSouth's Private Line Services or alternatively, may request Special Access service in lieu of the former TELRIC-priced UNEs. Any orders submitted for new unbundled high capacity loops and unbundled dedicated interoffice transport

¹⁰ TRRO ¶235

¹¹ TRRO ¶199 Also see ¶ 198

in those non-impaired areas after March 11, 2005, without the required certifications, will be returned to the CLEC for clarification and resubmission under one of the above options.

To obtain more information about this notification, please contact your BellSouth contract negotiator.

Sincerely,

ORIGINAL SIGNED BY JERRY HENDRIX

Jerry Hendrix – Assistant Vice President
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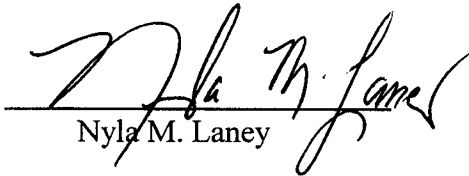
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